

Serial No.: 10/731,374
Reply to Office Communication of April 29, 2005
Response Dated July 29, 2005

RD28484-2

REMARKS

In the Office Action of April 29, 2005, claims 35-48 were rejected, and claim 49 was indicated as "withdrawn". The Examiner required modification of drawings, asking that Fig. 1a and Fig. 1b be designated "Prior Art". Replacement sheets incorporating the required changes are submitted herewith for the Examiner's approval. (See the last two pages of this facsimile transmission, pages 11-12.)

The Examiner requested that the specification be amended to update the status of related applications. In this response, the Applicant requests that the specification be amended to update the status of the related Application No. 09/683,148, filed November 27, 2001, now US Patent No. 6,681,716.

The Examiner has rejected claims 35-37 under 35 U.S.C. 103(a) as being unpatentable over Yang et al. US Patent 6,397,776 (hereinafter "Yang" or "the Yang reference") in view of Fukuhara et al. Japanese Patent Abstract 62253634 (hereinafter "Fukuhara" or "the Fukuhara reference"). The rejection is respectfully traversed. The Yang reference would qualify as prior art only under 35 U.S.C. 102(e) had the Yang reference been "by another". The Applicant points out that at the Yang reference and the instant application are and have always been commonly owned by the General Electric Company. The instant application claims priority back to November 27, 2001, the date the parent of this divisional application was filed. Yang was filed June 11, 2001 and issued June 4, 2002. 35 U.S.C. 103(c) provides that "subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 ... shall not preclude patentability ... where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person...." Thus, the Applicant respectfully requests that the Examiner withdraw the rejection of claims 35-37 under 35 U.S.C. 103(a).

Claims 38-48 were rejected under 35 U.S.C. 103(a) as being unpatentable over Yang in view of Fukuhara and further in view of Japanese Patent Abstract 63187619 (Mochizuki). The rejection is respectfully traversed. For the reasons given above, the Yang reference cannot properly be invoked as prior art. The Applicant respectfully requests withdrawal of the rejection.

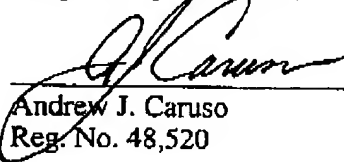
Serial No.: 10/731,374
Reply to Office Communication of April 29, 2005
Response Dated July 29, 2005

RD28484-2

The Examiner provisionally rejected claims 35-48 as being unpatentable over claims 32-43 of co-pending Application No. 10/62253 in view of Fukuhara. Since the obviousness type double patenting rejection is provisional, and both cases are still pending and their claims still subject to amendment, the Applicant requests that this issue be addressed upon a finding of patentable subject matter in either or both cases.

In view of the foregoing amendment and arguments, the Applicant believes that each of claims 35-48 is now in condition for allowance. The Applicant thus courteously solicits the Examiner's review of the proposed amendment to the drawings and prompt allowance of the claims. Should the Examiner believe that anything further is needed to place the application in even better condition for allowance, the Examiner is requested to contact the Applicant's undersigned representative at the telephone number below.

Respectfully submitted,



Andrew J. Caruso
Reg. No. 48,520

General Electric Company
Building K1, Room 3A71
Schenectady, New York 12301
July 29, 2005
Telephone: (518) 387-7354